

DENNIS J. HERRERA, State Bar #139669
 City Attorney
 JOANNE HOEPER, State Bar #114961
 Chief Trial Attorney
 BLAKE P. LOEBS, State Bar #145790
 Deputy City Attorney
 MARC R. LEWIS, State Bar #233306
 Deputy City Attorney
 1390 Market Street, 6th Floor
 San Francisco, California 94102-5408
 Telephone: (415) 554-3868
 Facsimile: (415) 554-3837
 Email address: blake.loebs@sfgov.org

Attorneys for Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

AMJAD ABUDIAB,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
 FRANCISCO; ELIAS GEORGOPOULOS;
 and DOES 1-20, inclusive,

Defendants.

Case No. C09-01778 JSW

**STIPULATION AND ~~[PROPOSED]~~ ORDER
 CONTINUING DEFENDANT PARRA'S
 DEADLINE TO MOVE FOR SUMMARY
 JUDGMENT**

Hearing Date: None Set

On December 8, 2011, this Court issued its order granting in part and denying in part the parties' motions for reconsideration of the Court's order on Defendants' motion for summary judgment. (Dkt. No. 174.) Based on this order, on December 13, 2011, Defendants filed a notice of appeal. (Dkt. No. 175.)

Plaintiff contends that the notice of appeal is untimely and may file a motion to certify Defendants' appeal as frivolous. Defendants will oppose; Defendants will argue that their appeal is timely and meritorious and should stay all of the proceedings in this Court, including any motion for summary judgment. However, Defendant Parra's deadline to file a summary judgment motion is January 6, 2012. (Dkt. No. 173.)

Furthermore, counsel for both parties (including Messrs. May, Loebs, and Lewis) will be trying a case in state court starting on January 3, 2012, which is expected to last between two and three weeks.

Finally, the deposition of Captain Parra, currently scheduled for December 20, 2011, will need to be re-scheduled due to the fact that counsel in this case are required to attend a Mandatory Settlement Conference in another case, and that is the only date that the Court is available to conduct the conference. Due to the trial mentioned above, the deposition will likely need to be re-scheduled for late January.

To allow the Court sufficient time to rule on Plaintiff's anticipated motion, and to accommodate counsel's trial and pre-trial schedules in another matter, the parties propose a change in the date of Defendant Parra's last day to file a summary judgment motion. The parties propose that Defendant Parra's last day to file a summary judgment motion be February 27, 2012. This would allow for a hearing on or around April 2, 2012, which is more than two months before trial.

IT IS HEREBY STIPULATED BY THE PARTIES:

Dated: December 15, 2011

DENNIS J. HERRERA
City Attorney
JOANNE HOEPER
Chief Trial Deputy
MARC R. LEWIS
Deputy City Attorney

By: /s/ Marc R. Lewis
MARC R. LEWIS
Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO, et al.

Dated: December 15, 2011

LAW OFFICES OF JOSEPH S. MAY

By: /s/ Joseph S. May*
Joseph S. May, Esq.
Attorneys for Plaintiff
AMJAD ABUDIAB

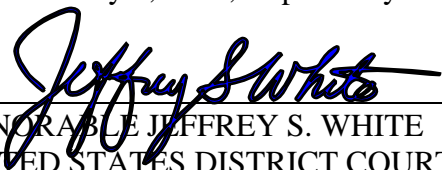
*Pursuant to General Order 45, the electronic signatory of this documents attests that this individual concurs in his electronic signature of this document. The actual signature page is on file.

[PROPOSED] ORDER

IT IS HEREBY ORDERED that Defendant Parra's last day to file a summary judgment motion is moved to February 27, 2012.

IT IS HEREBY FURTHER ORDERED that the last day for the Court to hear a motion for summary judgment by Captain Parra is moved to April ⁶~~2~~, 2012. The Court FURTHER ORDERS that the pretrial conference and trial are CONTINUED to June 18 and July 9, 2012, respectively.

Dated: December 19, 2011


HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT COURT JUDGE